

**ORDINANCE NO. 2014-27**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, ADOPTING THAT CERTAIN DOCUMENT ENTITLED "2014 AMENDMENTS TO CHAPTER 10-50, SUPPLEMENTAL TO ZONES, SPECIFICALLY, DIVISION 10-50.100, SIGN STANDARDS," BY REFERENCE**

**RECITALS:**

**WHEREAS**, the City Council has determined that amendments to Chapter 10-50, Supplemental to Zones, Specifically Division 10-50.100, Sign Standards of Title 10, Zoning Code of the Flagstaff City Code are necessary in order to ensure, among other things, ease of use through simplified standards and greater predictability in the application of the sign standards; and

**WHEREAS**, the Mayor and Council have, by resolution, previously declared the "2014 Amendments to Chapter 10-50, Supplemental to Zones, Specifically Division 10-50.100, Sign Standards" ("Proposed Amendments") to be a public record; and

**WHEREAS**, special work sessions were held on April 11, 2014, May 12, 2014 and July 8, 2014, at which the City Council considered public comment, discussed various options and alternatives, and, after deliberation, directed staff to return with those changes that now comprise the Proposed Amendments; and

**WHEREAS**, the City Council finds that the City has complied with the notice requirements of Arizona Revised Statutes § 9-462.04.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. That the document entitled "2014 Amendments to Chapter 10-50, Supplemental to Zones, Specifically Division 10-50.100, Sign Standards," three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona and previously declared by Resolution No. 2014-35 to be a public record, is hereby adopted and made a part hereof as if fully set out in this ordinance and its provisions declared to be inserted into the Zoning Code and to replace and supersede the existing relevant provisions of the Zoning Code.

SECTION 2: That the City Clerk be authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary; and that the City Clerk be authorized to make formatting changes needed for purposes of clarity and form, if required, to be consistent with Flagstaff City Code.

SECTION 3: Whenever the Flagstaff Zoning Code prohibits an act or makes or declares an act to be unlawful or an offense, or whenever in the Code the doing of any act is required, or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefore, the violation of any such provision shall be punished as follows:

Civil Penalty: Any person found responsible for violating the Flagstaff Zoning Code shall be sentenced to a fine of not less than \$100. Any person found responsible of a second violation committed within 36 months of a prior violation shall be subject to a fine of not less than \$250. Any person found responsible of a third or subsequent violation within 36 months of a prior violation shall be subject to a fine of not less than \$500.

Criminal Penalty: Any person found responsible by the Flagstaff Municipal Court for three or more civil violations of the Flagstaff Zoning Code within a 24-month period shall be deemed a habitual offender. A habitual offender who subsequently violates the Flagstaff Zoning Code shall be guilty of a class 1 misdemeanor. A class 1 misdemeanor shall be punished by a fine of not more than \$2,500.00, plus surcharges, and/or confinement in jail for not more than six months.

SECTION 4: That, if any section, subsection, sentence, clause, phrase or portion of this ordinance or any of the amendments adopted in this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect any of the remaining portions thereof.

SECTION 5: This ordinance shall be effective (60) sixty days after adoption.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 3rd day of November, 2014.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY